

File: GAO

21 Feb 1984

NOTE FOR: Chief, Liaison Division

FROM:

Liaison Division

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SUBJECT: Background/Talking Points Regarding CIA/GAO Relations

1. CIA is not enthusiastic about dealing with GAO. GAO is an investigative arm of Congress, and we never feel certain as to how the information CIA provides is going to be used or whether it will be portrayed fairly. There is long-standing low-level tension in the relationship.

2. In 1978-79 CIA and GAO held "informal discussions" to try to establish mutually acceptable guidelines for their relationship. From CIA's standpoint, the main objective was to re-emphasize that CIA maintains the option of deciding whether and how extensively it will respond to GAO requests. In addition, CIA must retain the right to review and amend any GAO reports that reference CIA as a contributor.

3. In recent months we have had some difficulty with GAO in trying to uphold the ground rules of the relationship. The DI is willing to cooperate, where possible, on GAO projects that have been requested by Congress, but not on those that GAO initiates itself. Problems have also arisen on other matters.

- 1) GAO staffers directly calling DI analysts. This places our analysts in jeopardy. GAO must work through OLL.
- 2) GAO not accepting "no" for an answer. The DI does not have expertise on everything the GAO asks about, particularly on highly specialized economic topics. On other topics, such as tech-transfer, the material is too sensitive to discuss with GAO. On such matters we prefer to talk with the Congressional Committee or Congressman which tasked GAO.
- 3) GAO looking for research or editing help from DI analysts.

- 4) GAO requests not being clear enough. Joe Kelley should submit written requests. His requests often are difficult to field because his information is inadequate.
- 5) GAO not recognizing CIA's right to withhold sensitive publications, such as NIEs. As a practice, we prefer not to give GAO any classified documents.

4. As a matter of fact, it is hard to sell GAO requests in the DI. It means extra work for the analysts, the risks of being misinterpreted are ever-present, and GAO's final products are not held in high regard.



Liaison Division

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GENERAL ACCOUNTING OFFICE

1. The General Accounting Office is the second oldest and largest of the congressional support agencies. GAO was established by the Budget and Accounting Act of 1921 to audit spending by federal departments and agencies. Gradually, as a result of additional responsibilities mandated by several statutes (the Legislative Reorganization Acts of 1946 and 1970, the Congressional Budget and Impoundment Control Act, etc), and to fulfill increasing demands for congressional oversight, GAO has been transformed from a simple army of accountants into a watchdog and investigative arm of the Congress. Today, GAO provides the Congress with numerous audits and studies requested by congressional committees and Members of Congress, studies directed by statute, testimony at congressional hearings, commentary on all introduced legislation, and staff on loan to congressional committees.

2. GAO is organized along broad functional lines and divided into 10 audit divisions (i.e. International Division, Federal Personnel and Compensation Division, General Government Division, etc). The agency's 4000 professional employees (out of approximately 5300) are engaged in monitoring federal program spending to ensure that the programs are being implemented in accordance with legislative intent, and in an efficient, economical manner. GAO maintains regional, as well as overseas offices, and in many cases personnel conduct onsite investigations into federal program implementation.

3. In terms of access and utility for the general public, GAO's greatest asset is their extensive series of "blue cover" reports on the operation of various government programs. Approximately one-third of the more than 1000 annual reports issued by the Comptroller General are in response to requests by congressional committees and Members of Congress. The self-generated reports are also aimed at congressional priorities. "Gray cover" reports, which once indicated that the report was a congressional request, are now reserved solely for reports classified for security reasons. Certain GAO reports are transmitted in the form of letters to committee chairmen, but they too, are usually available to the general public.

4. A monthly listing of GAO reports is issued by the agency and is published in the *Congressional Record*. Also, a computerized subject index of GAO reports issued since July 1, 1973 is maintained in the GAO Library. GAO reports are available to the public from the GAO Distribution Center (202) 275-6241 or write: U.S.G.A.O., Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, Md. 20760.

5. Other publications which can be useful and are available either from GAO or the Government Printing Office:

- a. Glossary of Terms Used in the Federal Budget Process, March 1981
- b. Federal Information Sources and Systems, Nov. 1980
- c. Requirements for Recurring Reports to the Congress, Nov. 1980.

GAO

26 September 1983

MEMORANDUM FOR: Chief, Liaison Division

FROM:

[redacted] Liaison Division
Office Of Legislative Liaison

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SUBJECT: Relationship with GAO

1. In a meeting with GAO Representatives Al Huntington, Rick Barrett and Jack Bolz on 23 September the following points were covered with respect to GAO use of Agency classified information:

- The relationship is based upon the Comptroller General's memo to GAO Division Heads dated 29 January 1980. The Agency participated in preparation of the GAO memo and concurred in it. Both Agencies consider it to be in effect until such time as it is changed.

2. The GAO representatives have ^{been} advised that:

- The overriding requirement for the Agency is to protect intelligence sources and methods. This means that when the GAO plans to write a classified report based on intelligence information, the Agency will be given first review of the draft report. CIA will review it for proper classification and protection of sources and methods. In many cases it will be necessary to include the information on a non-attributable basis only.

3. Al Huntington, speaking for the group, agreed to the above, in fact he suggested the idea of giving CIA first review of future classified draft reports. He said he would report on our discussion to his superior, Frank Conohan, Director, International Division, and either he or Mr. Conohan will be in touch with us. Mr. Conohan was a participant on the arrangements with the Agency on the Comptroller General's memo and should recognize that the proposals discussed are within the spirit of that memo.

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cc: [redacted]

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20545

JAN 29 1980

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CLD #30-0239

The Honorable Stansfield Turner
Director, Central Intelligence Agency

Dear Admiral *Turner*

Following up on our earlier conversations, I am enclosing a copy of my memorandum of today concerning requests of the General Accounting Office for intelligence information as well as the handling of that information by GAO.

I understand that the contents of the memorandum have been discussed with your staff, and that CIA will advise the other intelligence agencies of our policy.

Sincerely yours,

Turner

Comptroller General
of the United States

Enclosure

UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

Memorandum

JAN 29 1980

TO : Heads of Divisions and Offices

FROM : Comptroller General *Leslie B. Sands*

SUBJECT: Requests for Intelligence Information

Because of the importance of protecting intelligence sources and methods from unauthorized disclosure, the responsibility for which is codified in the National Security Act of 1947, as amended (50 U.S.C. §§401-412) and Executive Order No. 12036, January 24, 1978, GAO must exercise particular care in planning, conducting, and reporting on work involving intelligence activity and intelligence product of the Government.

As a general rule, GAO will seek access to information concerning intelligence activity only when access is needed (1) to enable us to be responsive to a specific request of the chairman of a committee or (2) when, in accordance with explicit understanding between GAO and an agency, access is needed to adequately evaluate the effectiveness, efficiency and economy of certain operations. In these cases, GAO may also seek access to intelligence product.

On all other assignments, GAO, as a general rule, will seek access only to intelligence product. GAO does not seek access to intelligence product to evaluate its accuracy, adequacy or quality. Without access to this information, however, our reports could be incomplete, erroneous, and possibly misleading. Having access does not necessarily mean we will include highly sensitive intelligence information in our reports, but we will at least have the benefit of knowing the full story in deciding what our opinion should be and what we should, and should not, report. In any case in which a determination is made that it would be useful to include or reference sensitive intelligence information in a report, the GAO staff and the agency staff will reach agreement on the use of such information in the report. In the event such agreement cannot be reached, the matter will be brought to the attention of the Comptroller General for appropriate discussion with the agency head.

In handling intelligence information, GAO will strictly adhere to the security standards of the agency from which it was obtained. In all cases, the agency will be asked to indicate the appropriate security classification of the information provided. In the case of special compartmented intelligence information, we will not remove the material from the agency involved without the express approval of the agency.

Requests for clearance of GAO staff for access to special compartmented intelligence information will be made only after approval by the Comptroller General or the Deputy Comptroller General. Requests for access to special compartmented intelligence information by those holding clearances will be approved by the cognizant division director on an assignment-by-assignment basis. Where there may be special sensitivity regarding new assignments which may involve compartmented intelligence information, the division director will advise the Comptroller General before approving the assignment.

In order to maintain proper liaison with the intelligence agencies, the following persons are designated for liaison purposes:

Martin J. Fitzgerald, OCR	-- Senate and House Intelligence Committees
Frank C. Conahan, ID	-- CIA
Jerome H. Stolarow, PSAD	-- DIA
Donald J. Horan, LCD	-- NSA

Requests for clearance of GAO staff for access to special compartmented intelligence information, after approval by the Comptroller General or the Deputy Comptroller General, will be made to the Central Intelligence Agency by the designated GAO liaison official for that agency. All other contacts with the agencies should be made through the designated liaison officials.

I have assured the Director of Central Intelligence that the above procedures will be followed closely.

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OLC 79-2701/2
28 December 1979

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MEMORANDUM FOR THE RECORD

SUBJECT: GAO Guidelines on Request for Intelligence Information

- REFERENCES:
- A. Memorandum for DDCI, from Acting Legislative Counsel, dated 16 February 1978, Subject: Dealings with the General Accounting Office (OLC 78-0585)
 - B. Memorandum for DDCI, from Acting Legislative Counsel, dated 27 April 1978, Subject: GAO/Intelligence Community Relationships (BYE 78-113091)
 - C. Memorandum for the Record, from Deputy Legislative Counsel, dated 13 December 1979, Subject: GAO Relationship (OLC 79-3502)

1. For the past several months, informal discussions with representatives of the GAO have taken place on the terms of reference for use in issuing internal GAO guidelines governing requests for intelligence information. This memorandum reports the outcome of these discussions.

2. Formal comments on the guidelines were neither solicited nor provided. Rather, the discussion process provided an opportunity to eliminate areas of contention and concentrate on areas of mutual interest such as improving the quality of GAO's work product and the need to minimize the drain on our resources and assure adherence to our security requirements.

3. A copy of the proposed GAO guidelines is attached. It is important to recognize what the guidelines do and do not do.

a. The guidelines do not:

(1) Grant GAO greater authority for access than presently exists.

(2) Constitute an agreement or contract between the DCI, the CIA or any other element of the Intelligence Community and GAO.

(3) Provide the specific wording on the do's and don't's in every case (a shortfall from our viewpoint but an institutional

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necessity for GAO--the inferred do's and don't's can only be validated through GAO's administration of the guidelines).

b. The guidelines do:

(1) Recognize the statutory and Executive Order responsibility and authority to protect intelligence sources and methods from unauthorized disclosure.

(2) Limit access concerning intelligence activities (as opposed to finished intelligence) to those instances where either GAO's statutory right of access exists or where a chairman of a Congressional committee has jurisdiction over the matter.

(3) As relates to intelligence product:

(a) Eliminates GAO as a conduit to Congressional committees;

(b) Eliminates GAO as a determinator of the quality of the product;

(c) Views access as primarily an aid to assessing the quality of GAO's work products;

(d) Treats information primarily for background purposes with any use in a report to be on a nonattributable basis and in accordance with our security criteria;

(e) Requires a prior agreement if information is to be included or referenced in a GAO report, which in turn provides an opportunity to evaluate security, policy sensitivity and other relevant factors before granting access; and

(f) Recognizes that our resources are finite and limits our need to comment on GAO reports to those instances where the reports contain information, agreed beforehand, to be included or referenced in the report.

(4) The terms of references for the guidelines have been discussed against the background that:

(a) The Intelligence Community has won an exemption from the Comptroller General's enhanced statutory authority proposed under H.R. 24 and S. 1878;

Any expansion of GAO's authority with respect to the Intelligence Community is to be resolved in charter legislation which in the context of S. 2525, Section 124, places GAO under the tight leash of the Congressional intelligence committees; and

(c) GAO has an important role in our Government which can be satisfied without diminution or risk to our special authorities and responsibilities.

The condition to be attached to GAO's access to information of an intelligence nature should be ironed out before access is granted and in a manner consistent with the spirit of the do's and don't's cited in paragraph 3. It is in the mutual interest of GAO and the intelligence agencies that this consistency prevail

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Deputy Legislative Counsel

Attachment:
As stated

Distribution:

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OLC [] ndl (27 Dec 1979)

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